

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

JOHN MURRY CURRY

PLAINTIFF

v.

CIVIL ACTION NO. 5:13-cv-196-DCB-MTP

RAYMOND BYRD, ET AL.

DEFENDANTS

REPORT AND RECOMMENDATION

The parties appeared and participated in an omnibus hearing before the undersigned United States Magistrate Judge on April 21, 2015. The Court scheduled the hearing for the combined purposes of conducting a *Spears*¹ hearing, scheduling/case management hearing, and discovery conference. In his Complaint, Plaintiff named Deloris Spinks as a Defendant. During the *Spears* hearing, however, Plaintiff stated that he no longer wishes to pursue his claims against Deloris Spinks. Thus, the undersigned recommends that Deloris Spinks be dismissed without prejudice. The case should continue as to the remaining Defendants.

NOTICE OF RIGHT TO OBJECT

In accordance with the rules and 28 U.S.C. § 636(b)(1), any party within fourteen days after being served a copy of this recommendation, may serve and file written objections to the recommendations, with a copy to the judge, the magistrate judge and the opposing party. The District Judge at the time may accept, reject or modify in whole or part, the recommendations of the Magistrate Judge, or may receive further evidence or recommit the matter to this Court with instructions. The parties are hereby notified that failure to file written objections to the proposed findings, conclusions, and recommendations contained within this report and recommendation within fourteen days after being served with a copy shall bar that party, except upon grounds of

¹ *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985).

plain error, from attacking on appeal the proposed factual findings and legal conclusions accepted by the district court to which the party has not objected. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

THIS, the 24th day of April, 2015.

s/ Michael T. Parker

United States Magistrate Judge